

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)	
Kiss, LLC)	Case No.: 17-CMP-00569
t/a Kiss Tavern)	License No.: 104710
Holder of a)	Order No.: 2018-358
Retailer's Class CT License)	
at premises)	
637 T Street, N.W.)	
Washington, D.C. 20001)	
)	

BEFORE: Donovan Anderson, Chairperson
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

ALSO PRESENT: Kiss, LLC, t/a Kiss Tavern, Respondent

Louise Phillips, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER AMENDING BOARD ORDER NO. 2018-331

INTRODUCTION

In Board Order No. 2018, the Alcoholic Beverage Control Board (Board) found that Kiss, LLC, t/a Kiss Tavern, (hereinafter "Respondent" or "Kiss Tavern") violated its settlement agreement on August 27, 2017, by leaving its rear door open while music was playing and displaying flashing signs on its front window. The Board fined Kiss Tavern \$500 for the offense. The Board now reduces the fine to \$250 because, while the fine constituted the Respondent's second secondary tier violation, it should have been fined at the first violation penalty level because the prior offense was adjudicated after the date of occurrence in this incident. 23 DCMR §§ 803(A), 808 (West Supp. 2018).

ORDER

Therefore, the Board, on this 23rd day of May 2018, hereby **AMENDS** Board Order No. 2018-358 by reducing the fine Kiss Tavern owes to \$250.

IT IS FURTHER ORDERED that the Respondent must pay all fines imposed by the Board within thirty (30) days from the date of this Order, or its license shall be immediately suspended until all amounts owed are paid.


IT IS FURTHER ORDERED, in accordance with 23 DCMR § 800.1, the violation found by the Board in this Order shall be deemed a secondary tier offense.

IT IS FURTHER ORDERED that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

The ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson


Mike Silverstein, Member


Bobby Cato, Member

Rema Wahabzadah, Member

I dissent from the position taken by the majority of the Board. I believe a higher fine is appropriate based on the nature of the offense.


James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202-879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b) (2004).